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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,837	10/24/2003	James A. Gavney JR.	JAG-00113	9227
28960	7590	08/10/2006	EXAMINER	
HAVERSTOCK & OWENS LLP			CHIN, RANDALL E	
162 NORTH WOLFE ROAD			ART UNIT	
SUNNYVALE, CA 94086			PAPER NUMBER	

1744

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,837

Applicant(s)

GAVNEY ET AL.

Examiner

Randall Chin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006 and 24 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6,12,14,16,19,20 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4,6,12,14,16,19,20 and 28-30 is/are allowed.
- 6) ☒ Claim(s) 25-27, 31 and 33 is/are rejected.
- 7) ☒ Claim(s) 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 20, 26, 27 and 31 are objected to because of the following informalities:

In claim 20, lines 6-7, it is suggested to clarify whether the "second section" or the "second squeegee wiping element" surrounds the first section.

Claim 20, line 14, please delete "from" as there are two occurrences of this term.

Claim 26, line 8, after "set", insert --of--.

Claim 27, line 1, please delete "the" as there are two occurrences of this term.

Claim 31, lines 2 and 4, change "bristle" to --bristles-- for grammatical reasons.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 31 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Braun 2004/0154112 (hereinafter Braun '112).

With respect to claim 31, Braun '112 teaches an electric toothbrush in Fig. 10 with a cleaning head 912, the cleaning head comprising a first support surface with a first set of bristles (i.e., the peripheral, taller tufts in Fig. 10) protruding therefrom, and a second support surface (**any** element(s) supporting the textured member 920 can be considered a "support surface") with a second set of nubs or "bristles" 924 protruding therefrom and a continuous and substantially circular squeegee element 920 that "encircles" a portion of the second support surface and the second set of bristles, wherein the second support surface is coupled to a drive mechanism for automatically rotating or oscillating the second support surface independently and separately from the first support surface (since it can also be spun independently about its own or long axis as taught in paragraph [0030]) and wherein the first set of bristles surround at least a portion of the continuous and substantially circular squeegee element 920, and wherein the first support surface is configured to rotate or oscillate.

As for claim 33, Braun '112 teaches in the Fig. 10 embodiment an electric toothbrush with a cleaning head, the cleaning head 912 comprising a first region with a first support surface having a continuous and substantially circular squeegee element 920 (since it's textured and resilient and can be foam, for example as recited in paragraph [0045]) that encircles nubs or bristles 924 protruding from the first support surface and wherein the first support surface is configured to rotate or oscillate (since it can also be spun independently about its own or long axis as taught in paragraph [0030]), and a second region with a second support surface configured to automatically move independently from the first support surface in at least one direction that is

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different from the first support surface (since the first region can **oscillate**), the second support surface having at least one of a squeegee, bristle tufts and nodules protruding therefrom as clearly shown in Fig. 10.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claim 25 is rejected under 35 U.S.C. 102(a) as being anticipated by Eliav 2003/0196283 (hereinafter Eliav '283).

With respect to claim 25, Eliav '283 teaches, for example, in Figs. 4A-4C a device comprising a cleaning head comprising a first support surface defined by the **left** part of platform 134 and a second support surface defined by **right** part of platform 134 that is "separate" (in their respective **locations**) from the first support surface, wherein both the first support surface and the second support surface comprises a squeegee element 340, 340 (Fig. 4B) with elongated walls that protrude to form a top wiping edge, and both of the first support surface and the second support surface comprises bristles (Fig. 4B) and wherein at least one of the first support surface and the second support surface is "configured to move" (not a positive limitation) automatically and independently of the other of the first support surface and the second support surface, while the cleaning head is coupled to a motorized handle (not a positive recitation).

5. Claims 25 and 26 are rejected under 35 U.S.C. 102(a) as being anticipated by Blaustein 2002/0152564 (hereinafter Blaustein '564).

With respect to claim 25, Blaustein '564 teaches in Figs. 15-16 (paragraphs [0106] to [0107]), for example, a device comprising a cleaning head comprising a moving portion or first support surface 500 and a second support surface defined by static brush head 502 that is separate from the first support surface, wherein both the first support surface and the second support surface comprises a massaging tip or squeegee element 511, 513 with "elongated walls" (i.e., opposite peripheral sides thereof) that protrude to form a top wiping edge, and both of the first support surface and the second support surface comprises bristles 510, 512 and wherein at least one of the first support surface and the second support surface (i.e., the first support surface 500 moves) is configured to move automatically and independently of the other of the first support surface and the second support surface, while the cleaning head is coupled to a motorized handle (not a positive recitation).

As for claim 26, Blaustein '564 teaches, for example, in Figs. 15-16 (paragraphs [0106] to [0107]), a cleaning head comprising a first support surface 500 with a first massaging tip or squeegee element 511 with a first curved elongated wiping edge and first set of curved elongated walls (i.e., opposite peripheral sides thereof) and bristles 510 protruding therefrom, a second support surface defined by static brush head 502 that is separate from the first support surface, the second support surface having a second massaging tip or squeegee element 513 with a second curved elongated wiping edge and a second set of curved elongated walls (i.e., opposite peripheral sides thereof) and bristles 512 also protruding therefrom, wherein a portion of the bristles protruding from the first support surface and the second support surface border

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opposed sides of the second elongated curved wiping edge of the second squeegee element (pick and choose bristles and/or squeegees in Fig. 15), and a motorized handle (Fig. 1, for example) that automatically moves the first support surface 500 relative to the second support surface 502.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Blaustein '564.

As for claim 27, it would have been obvious to one of ordinary skill in the art to have modified Blaustein's cleaning device such that the motorized handle detachably couples to the cleaning head in order to replace the cleaning head when worn out as well as for hygienic purposes. Such arrangement is well known in the toothbrush art.

Allowable Subject Matter

8. Claims 1, 2, 4, 6, 12, 14, 16, 19, 20 and 28-30 are allowed pending clarification of the above objections.

Claim 32 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

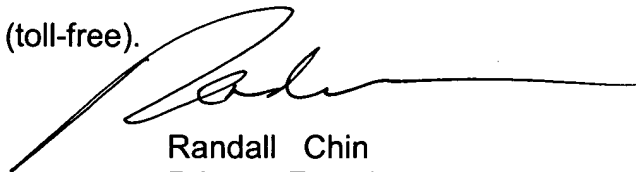
Conclusion

9. Applicant's arguments with respect to claims 20 and 25-33 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Randall Chin', with a long horizontal flourish extending to the right.

Randall Chin
Primary Examiner
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